IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15394 of 2004

Between:

Syed Younus Pasha Quadri, S/o Late Syed Multani Pasha Quadri,
R/o H.No.17-6-164, Outside Dabeerpura, Hyderabad

... PETITIONER

AND

The Commissioner, Nagar Panchayat Medak,
Medak District

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any appropriate Writ order or direction declaring the inaction of the respondent in mutating name of the petitioner in the assessment book on the application of the petitioner dated 13-10-1998 and subsequent notices and representations in respect of House No.2-8-38/1 (Old No.2-8-46 situated at Pitlam Baise Medak as per Rule 3 and 4 of the (Alteration of ownership of property in Assessment Book) Rule 1966 illegal, arbitrary, unconstitutional and violative of principles of natural justice and consequently the respondent may be directed to comply with the said rules in the matter of mutation of name of petitioner in the interest of justice.

Counsel for the Petitioner: MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent: SMT.JYOTHI ESWAR GOGINENI

The Court at the admission stage made the following Order:

ORDER:

Heard both sides and at their request, the Writ Petition is taken up for disposal.

2. Admittedly, on the date when the petitioner made a representation for mutation of his name in the municipal records, there is no decree in his favour. The decree obtained by the petitioner is subsequent to the said representation and the appeal filed by the defendant was dismissed only on 04-12-2002. In view of the same, unless the petitioner files all the documents including the decree as confirmed by the appellate authority and makes an effective representation to the Municipal Council, he cannot complain that the respondents are under obligation to mutate their names in the municipal records. In view of the fact that the petitioner already submitted an application by Registered Post Ack.Due, on 23-05-1999, 13-11-1999 and 26-04-2000, and the judgment and decree obtained by the petitioner in his favour was also referred to in the said notice, the petitioner, if makes available the said copies to the Municipal Council as contemplated under Rule 4 of the Alteration of Ownership of Property in assessment Books Rules, 1966 (for short 'the Rules'), respondent is directed to consider the same and pass appropriate orders within a period of six weeks from the date of making available of the said copies referred in the notice dated 12-06-2004.

The Writ Petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

August 30, 2004

MRR

TO:

1. The Commissioner, Nagar Panchayat Medak, Medak District.

2. Two C.D. Copies.